

- MINUTES -

UTAH AIR QUALITY BOARD MEETING

JANUARY 7, 2004

I. Call to Order

John Veranth called the meeting to order at 1:32 p.m.

II. Date of the Next Air Quality Board Meeting

The next Air Quality Board meeting will be held Wednesday, February 4, 2004. The March Board meeting will be held on Wednesday, March 10, 2004.

III. Approval of the Minutes of the November 17, 2003, Board Meeting

Ernest Wessman made the motion to approve the minutes of the November 17, 2003, Air Quality Board meeting. Richard Olson seconded the motion. The motion passed.

IV. Request for Variance: PacifiCorp Hunter Power Plant Unit 3 – Request for Variance from 20% Opacity Standard During a One-time Particulate Emission Stack Test

Mr. Wessman recused himself from this discussion due to his relationship with PacifiCorp.

Presenters: Jim Doak and Tom Fauchaux, PacifiCorp

PacifiCorp is requesting a variance from the 20% opacity standard during a proposed particulate matter test at the Hunter Power Plant. The request is to conduct an additional test to obtain data for the development of its Compliance Assurance Monitoring plan. PacifiCorp requests that testing be conducted at operating conditions with a maximum stack opacity value of approximately 45%.

PacifiCorp representatives and DAQ staff fielded questions from members of the Board.

Richard Olson brought attention to a typographical error in the wording of the variance request. Mr. Olson also asked for clarification of recommendation #1, which states, "There will be no more than one successful test according to the EPA method on Unit 3." Mr. Olson felt the wording suggests that more than one test could be conducted. Dianne Nielson suggested changing the wording to say that testing will not be conducted in excess of that necessary to meet the requirements of the EPA method on Unit 3.

• Motion

JoAnn Seghini made the motion to approve the variance for PacifiCorp Hunter Power Plant Unit 3 with the following conditions:

1. That testing will not be performed in excess of that necessary to meet the requirements of the EPA method on Unit 3.
2. A stack opacity up to approximately 45% is allowed.
3. The particulate emission stack test must be performed within 60 days of Board approval.
4. PacifiCorp must notify the Utah Division of Air Quality at least five days prior to the scheduled test date and of any change in the test date.
5. A report of the test results must be submitted following the test, or tests.
6. The DAQ staff is granted the use of enforcement discretion on deviation report to be filed in accordance with PacifiCorp's Title V permit.

Richard Olson seconded the motion. The motion passed.

- V. Propose for Public Comment:** -R307-110-12 and Utah State Implementation Plan IX.C.6: Replace the Existing Provo Carbon Monoxide SIP with a New Attainment Demonstration and Maintenance Plan;
- Amendments to R307-110-31, Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability;
 - Amendments to R307-110-34, Utah State Implementation Plan, Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County;
 - Amendments to R307-301, Utah and Weber Counties: Oxygenated Gasoline Program

Presenters: Dave McNeill, Bill Colbert

After some clarifying remarks regarding effective dates by Dave McNeill, Bill Colbert addressed the Board.

Provo is currently designated as non-attainment for the National Ambient Air Quality Standards for carbon monoxide (CO). Since Utah County has not violated the federal health standards for CO since 1993, and projections show compliance with the standard through 2015, the documentation demonstrates that the Provo area can be redesignated from non-attainment to attainment for carbon monoxide.

Mr. Colbert continued by reviewing the parts of the SIP that are to be proposed and amended. Perhaps the change with the most interest will occur in R307-301, eliminating the requirement for the mandatory oxygenated gasoline program in Utah County as an annual CO control measure; however, it will remain a contingency measure.

Staff recommends proposal of these documents for public comment.

Ernest Wessman asked if the Division has looked at the impact of eliminating the oxygenated gasoline program. Mr. Colbert responded that elimination of the program could increase CO by five or six percent. Modeling shows that the benefit is no longer needed. Oxygenated gasoline was a great benefit with older cars, but as the fleet is turned over, the new technology is such that the benefit is no longer needed.

John Veranth brought attention to a reference error in R307-301-1.

Susan Hardy, on behalf of Mountainland Association of Governments and Utah County citizens, thanked the Division staff for bringing the plan to this point.

- **Motion**

Jim Horrocks made the motion to take these items to public comment with corrections as noted, stating that only one section of IX.C.6 is changing, and that is the Provo section. The remainder of section C.6 remains unchanged.

Jeff Utley seconded the motion. The motion passed.

Mr. Colbert thanked fellow staff members for their help with this project.

VI. Information Items

A. Board Work Meeting

Rick Sprott proposed a series of working lunches beginning with "Rulemaking 101" in February, the permitting process in March, overview of the smoke management program in April, and health effects later in the summer. These meetings will begin at 12:00 noon the day of the Board meeting and will be open to the public (although members of the public will be asked to bring their own lunch).

B. Monitoring Data

Bob Dalley reviewed the monitoring data for November/December 2003 and reported that there have been one "yellow" burn day and one "red" day so far in Salt Lake and Davis Counties.

John Veranth would like to have these graphs available on the web.

C. SIPs Update

Bill Reiss summarized SIP projects that are on the horizon for the next three to nine months, and beyond. These projects include the CO Maintenance Plan for Provo (proposed today), I/M SIP for Utah County, PM2.5 area designations recommendation, and CO Maintenance Plans for Salt Lake and Ogden.

VII. Miscellaneous Items

Kennecott Notices of Violation Hearing:

Jon Cherry recused himself from any discussion on this matter due to his relationship to Kennecott.

Fred Nelson of the Attorney General's Office notified the Board that there could be an agenda item for a decision at the February Board meeting. Kennecott has appealed several Notices of Violation to the Board. John Veranth has been appointed hearing officer. A formal hearing was scheduled to take place January 14, 2004. Discovery has occurred and the parties have submitted motions under the formal procedure. Kennecott submitted a motion for a partial summary judgment, which means that Kennecott has identified several issues related to that that they would like the hearing officer to decide prior to any hearing on the matter. After the hearing officer looks at the pleadings and believes that those are important for the Board to consider prior to going ahead with the hearing and getting a decision on those issues because of the way it would have an effect on the hearing, that will be presented at the next Board meeting. This does not mean that the Board has delegated its decision-making authority; it will have to come back to the Board for a final decision.

The meeting adjourned at 2:50 p.m.